



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

Code Compliance Hearing

Wednesday, October 30, 2019

1:30 PM

City Hall

ADA Assistance: It is the policy of the City of Key West to comply with all requirements of the Americans with Disabilities Act (ADA). Please call the TTY number 1-800-955-8771 or for voice 1-800-955-8770 or the ADA Coordinator at 305-809-3811 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

ALL VISUAL PRESENTATIONS FOR AGENDA ITEMS MUST BE RECEIVED (24) TWENTY-FOUR HOURS PRIOR TO THE MEETING.

Call Meeting to Order

Code Violations

1

Case # 18-1922

3314 Northside Dr. 29 LLC

Joanne Tarantino Wilson

3314 Northside Drive 29

Sec. 90-363 Certificate of occupancy required

Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business

Officer Bonnita Badgett

Posted: 8-2-2019

Initial Hearing: 7-31-2019

Continued from 25 Sept 2019

Count 1: An "As built certificate" or other means of proof is needed to show the unit meets the Florida Building Code as is required for the process of the Legal Unit Determination for the 2nd Unit. **Count 2:** Apply for and obtain a business tax receipt as is required for the process of the Legal Unit Determination for the 2nd Unit if being rented out.

Brian Olson attended for the respondent. Officer Badgett gave testimony. Mr. Olsen stated that they put the permits in and Officer Badgett stated that Mr. Olson has been putting in effort toward coming into compliance. The Special Magistrate granted continuance for this case to 20 Nov 2019 due to needing the permits approved by building.

2

Case # 19-1205

Violet Rosalie Hollowell

314 Julia Street

Sec. 58-31 Container and receptacle requirements

Officer Bonnita Badgett

Certified Mail: 10-9-2019

Initial Hearing: 10-30-2019

In compliance 10 October 2019; Request dismissal

Count 1: Failure to remove garbage and recycle bins to private property by 8pm on the day of pickup.

Officer Badgett is requesting a dismissal of this case. The Special Magistrate granted dismissal of this case.

3

Case # 19-1487

Konk Life

Guy Debour

1127 1127 1100 1195 United Street

Sec. 62-176 Labels Required

Sec. 66-102 Dates due and delinquent; penalties - **In compliance 29****Oct 2019; Request dismissal**

Officer Bonnita Badgett

Certified Mail: 10-17-2019

Initial Hearing: 10-30-2019

New Case

Count 1: Failure to renew annual news rack permit. **Count 2:** Failure to renew business license by September 30, 2019.

No Respondent. Officer Badgett gave testimony. Guy Debour from Konk Life has failed to renew annual permits for his news racks. On count 2 Konk Life came into compliance by bringing his business tax receipt up to date. The Special Magistrate granted a finding of \$250 administrative fee and then \$250 a day fine for count 1 if not in compliance by 18 Nov 2019. Compliance hearing on 20 November 2019.

4

Case # 19-1362

Kenneth C. Trent

1430 South Street

Sec. 18-601 License required - Counts 1-7 - **Settlement agreement**

Sec. 122-1371 Transient living accommodations in residential dwellings; regulations - Counts 8-10 - **Settlement agreement**

Sec. 122-1371 Transient living accommodations in residential dwellings; regulations - Counts 11-17 - **Settlement agreement**

Sec. 110-259 Duty of private property owner - Count 18 - **In compliance 25 September 2019; Request dismissal**

Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions - Count 19

Sec. 14-262 Request for inspection - Count 20

Officer Sophia Doctoche

Certified Mail: 9-16-2019

Initial Hearing: 9-25-2019

Continued from 25 Sept 2019

Counts 1-7: Subject property held out for short-term rental without the benefit of a transient rental license. Previously cited case #17-902.

Counts 8-10: Subject property holding out/advertising for short-term rental without the benefit of the required city, county, or state licensing. Does not have a transient medallion and has not been inspected by the City of Key West Fire Department. Previously cited case #17-902.

Counts 11-17: Subject property owner holding out for transient rental for seven nights the dates of 29 August 2019 through 5 September 2019 for \$4,774.13. Previously cited case #17-902. **Count 18:** Areca palms obstructing the sidewalk. **Count 19:** Failure to obtain permits for an outdoor shower and a tiki with electrical installed. **Count 20:** Failure to obtain the required electrical inspection for the tiki.

Officer Doctoche gave testimony. No respondent despite certified mail. Ron Ramsingh and Officer Doctoche are requesting a continuance due to miscommunication with the settlement agreement. The Special Magistrate granted continuance to 20 Nov 2019.

5

Case # 19-1486

Konk Life

Guy Deboer - Registered Agent

280 Margaret Street

Sec. 62-176 Label required

Officer Sophia Doctoche

Certified Mail: 10-5-2019

Initial Hearing: 10-30-2019

New Case

Count 1: Failure to apply for the application and permit for the news rack that is on the City right of way.

No respondent. Officer Doctoche gave testimony. Guy Debour failed to label his news racks. He picked the labels up but did not put them on the news racks. Finding \$250 administrative fee and \$250 a day fine if not in compliance by 18 Nov 2019 was granted by the Special Magistrate. This case is continued to 20 Nov 2019 by the Special Magistrate.

6

Case # 18-1784

Lindholm Construction, Inc

Richard Lindholm - Registered Agent

Native Builders, Inc

Carl Denny - Registered Agent

Nicholas Obea LLC

Clint Gordon - Registered Agent

1610 Dennis Street

Sec. 14-262 Request for inspection

Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions

Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions

Officer Edward Keane

Certified Mail: 5-30-2019 - Lindholm Construction, Inc.

Certified Mail: 5-30-2019 - Native Builders, Inc.

Posted: 7-19-2019 - Nicholas Obea LLC

Initial Hearing: 6-27-2019

Request continuance for good service to 20 Nov 2019

Count 1: Electrical work was performed without the benefit of permit and inspection. **Count 2:** Interior structural work at the subject location without the benefit of a permit. **Count 3:** Interior plumbing work performed at the subject location without the benefit of a permit.

Continuance granted for good service to 20 Nov 2019 by the Special Magistrate.

7

Case # 19-1143

William L Hardy

Como Oil Company of Florida

Josef A Starhiha - Registered Agent

627 Louisa Street

Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions

Sec. 14-40 Permits in the historic districts

Officer Edward Keane

Posted: 10-15-2019 - William L Hardy
Initial Hearing: 10-30-2019

New Case

Count 1: Failure to obtain building permit for installation of fuel tanks.

Count 2: Failure to obtain a certificate of appropriateness from HARC.

No respondent despite posting of notice. Officer Keane gave testimony. Officer Keane requested a finding. The Special Magistrate granted the finding of \$250 administrative fee and \$250 fine against Como Oil of Florida as a one time fee. The homeowner came into compliance with all permitting and was dismissed from the case.

8

Case # 19-1252

Patrick W Oneal

3314 Northside Drive 112

Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions

Officer Edward Keane

Certified Mail: 10-8-2019

Initial Hearing: 10-30-2019

Continuance granted to 20 Nov 2019

Count 1: Failure to obtain a permit for the building of a deck.

Continuance Granted to 20 Nov 2019 by the Special Magistrate.

9

Case # 19-1280

Pamela Elizabeth Adams

313 Catherine Street Unit 2

Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions

Sec. 14-327 Inspection

Sec. 14-40 Permits in historic districts

Officer Edward Keane

Certified Mail: 9-14-2019

Initial Hearing: 9-25-2019

In compliance 23 Oct 2019; Request dismissal

Count 1: Failure to obtain the appropriate building permit for installation of an air conditioner condenser. **Count 2:** Failure to obtain a mechanical inspection for an installed air conditioner condenser. **Count**

3: Failure to obtain a HARC certificate of appropriateness for installation of an air conditioner condenser.

In compliance and request for dismissal granted by the special magistrate.

10

Case # 19-1286

Christopher H Wardlow

506 Southard Street

Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions

Sec. 14-40 Permits in historic districts

Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business

Officer Edward Keane

Posted: 10-9-2019

Initial Hearing: 10-30-2019

New Case - Repeat violations

Count 1: Construction work without permits. **Count 2:** Failure to obtain HARC permits. **Count 2:** Failure to obtain a business license.

No respondent. Officer Keane gave testimony. Gerald Leggett from the building department gave testimony. Gerald stated that all 3 workers at 506 Southard said they worked for Christopher Wardlow who is an unlicensed contractor. Officer Keane stated that the business owner of 506 Southard is in compliance for having permits and a new licensed contractor. The Special Magistrate granted a finding of \$250 administrative fee and \$500 fine for not obtaining a business license.

11

Case # 19-1371

Terance E Keenan

1021 Watson Street

Sec. 26-32 Nuisances illustrated

Officer Edward Keane

Posted: 10-9-2019

Initial Hearing: 9-25-2019

Continued from 25 Sept 2019 - Repeat Violation

Count 1: Pool was observed to have stagnant water at the bottom. Repeat violation - Case # 18-125.

Terance Keenan is the respondent. Officer Keane gave testimony. This is a repeat violation. Officer Keane stated that the pool has stagnant water which is

a breeding ground. He stated that the pool is drained of water. Terance Keenan is in the process of getting permits to resurface the pool. When Terance received the notice of violation, he hired a new pool company to keep the pool drained and clean meanwhile. The Special Magistrate granted continuance for 20 Nov 2019.

12

Case # 19-1387

Patricia Fox Green

1430 Vernon Ave

Sec. 26-126 Clearing of property of debris and noxious material required.

Sec. 108-680 Recreational Vehicles and boats.

Officer Edward Keane

Certified Mail: 10-16-2019

Initial Hearing: 10-30-2019

In compliance 23 Oct 2019; Request dismissal

Count 1: Unsightly debris and multiple objects in the yard that could be a breeding ground for insects and rodents. **Count 2:** Recreational Vehicle in the Historic District is not screened in and can be seen off site.

This case was in compliance on 23 October 2019 and Officer Edward Keane is asking for a dismissal. Special Magistrate granted the dismissal.

13

Case # 19-1444

La Bodeguita Del Medio De Key West, Inc

Ludaime Avila Vega - Registered Agent

722 Duval Street

Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business

Officer Edward Keane

Hand Served: 10-11-2019

Initial Hearing: 10-30-2019

New Case

Count 1: Failure to obtain a business tax receipt.

Robert Pintos was the respondent. Officer Keane gave testimony. Everything is in order except the fire inspection. The Special Magistrate granted continuance until 20 Nov 2019.

14

Case # 19-1482

Michael Herrera

1005 Eaton Street

Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions
 Sec. 14-40 Permits in historic districts
 Sec. 18-117 Acts declared unlawful
 Sec. 18-150 Certificate of competency required
 Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
 Officer Edward Keane
 Certified Mail:
 Initial Hearing: 10-30-2019

Request continuance for good service to 20 Nov 2019

Count 1: Failure to obtain permits for interior renovation with plumbing and electrical being done. Repeat cases #18-1904. **Count 2:** Failure to obtain a certificate of appropriateness for work being performed. Repeat violation case #18-1904. **Count 3:** Work being performed by unlicensed construction workers. Repeat case #18-2070. **Count 4:** Mr. Herrera does not have a valid certificate of competency. Repeat case #18-1904. **Count 5:** Mr. Herrera does not have a license for the City of Key West. Repeat cases #18-1904.

Special Magistrate granted continuance for good service to 20 Nov 2019.

15

Case # 19-1514

James R Phillips
 2325 Harris Avenue
 Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions
 Sec. 14-262 Request for inspection
 FBC P2503.1 Inspection required
 Officer Edward Keane
 Certified Mail: 10-15-2019
 Initial Hearing: 10-30-2019

Continuance granted to 20 Nov 2019

Count 1: Failure to obtain building permits for installation of cabinets, sliding doors, plumbing, and electrical work. **Count 2:** Failure to obtain an electrical inspection. **Count 3:** Failure to obtain plumbing inspection.

Continuance granted to 20 Nov 2019 by the Special Magistrate.

16

Case # 16-773

Brittany D Delgado
~~Mark R Delgado Estate~~
 2807 Seidenberg Avenue
 Sec. 90-363 Certificate of occupancy - Required
 Sec. 58-61 Determination and levy of charge
 Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
 Officer Beau Langford
 Certified Service:
~~Posted: 8-10-2017~~
 Posted: 7-10-2018
 Initial Hearing: 8-30-2017

Continued from 31 July 2019 for status/compliance

Count 1: Failure to obtain a Certificate of Occupancy for residential unit in the rear of the property. **Count 2:** Failure to have Utilities associated with the residential unit in the rear of the property. **Count 3:** Failure to have a non-transient business tax receipt for the residential unit in the rear of the property.

No respondent. Officer Langford gave testimony. This is a status check on the case and they are up to date on their payments. Request continuance for 30 January 2020 for compliance. Special Magistrate granted continuance for compliance.

17

Case # 16-455

Donald R Lynch
 820 Carsten Lane
 Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions - **Counts 1 & 3; Count 2 - Dismissed**
 Sec. 102-152 Required for permits - **Count 4; Count 5 - Dismissed**
~~Sec. 90-142 Historic Architectural Commission Design Guidelines adopted -~~ **Count 6 - City has not met the burden of proof.**
 Officer Beau Langford
 Certified Service: 2-3-2017 - Amended notice
 Posted: 3-30-2017
 Initial Hearing: 10-19-2016

In compliance 28 October 2019; Fees Pending

Count 1: For failure to obtain a building permit for the enclosure of the second story porch. **Count 2:** ~~For failure to obtain a building permit for the exterior stairway.~~ - **Dismissed.** **Count 3:** For failure to obtain a building permit and inspections for the plumbing that was installed.

Count 4: For failure to obtain a certificate of appropriateness for the enclosure of the second story porch. **Count 5:** ~~For failure to obtain a certificate of appropriateness for the exterior stairway.~~ - **Dismissed.** **Count 6:** ~~For failure to obtain a certificate of appropriateness for the satellite dish that was installed.~~ - **City has not met the burden of proof.**

This case is in compliance as of 28 October 2019 but has fees pending.

18

Case # 19-1080

Sunny Island of Key West, LLC

Sela Nir - Title Ambassador

Talia Krespy - Title Ambassador

720 Duval Street

Sec. 14-40 Permits in historic districts

Sec. 90-142 Historic Architectural Commission Design Guidelines adopted

Officer Paul Navarro

Certified Mail: 9-27-2019

Initial Hearing: 10-30-2019

In compliance 10-29-19; Request dismissal

Count 1: Failure to obtain HARC approval for awning lights attached underneath the awning at the entrance to the business. **Count 2:** Lights are attached to an awning at the entrance to the business and are prohibited as per guidelines.

This case is in compliance as of 29 October 2019 and requesting dismissal. Special Magistrate has granted dismissal.

19

Case # 19-1105

Walgreen Company Store 7089

Richard Ashworth - President/Director

Joana Pierce - Store Manager

Kathleen Seus - National Program Manger

Prentice-Hall Corporation System, Inc. - Registered Agent

527 Duval Street

Sec. 114-108 Maintenance of all signs

Officer Paul Navarro

Certified Mail: 8-21-2019 - Kathleen Seus

Certified Mail: 8-21-2019 - Richard Ashworth

Certified Mail: 8-12-2019 - Joana Pierce

Certified Mail: 8-12-2019 - Prentice-Hall Corporation System, Inc.

Initial Hearing: 8-28-2019

Continued from 28 August 2019 for compliance

Count 1: Failure to provide the proper maintenance to the historic sign as it was not functioning as its intended use.

Joana Pierce was the respondent. Officer Navarro gave testimony. Officer Navarro stated that no permits were submitted. Joana stated that she has no control over what corporate is doing. Kevin Lancaster from the sign company stated that he received an overnighted check from Walgreens and will be working on the permit process first thing in the morning. The Special Magistrate granted continuance to 20 Nov 2019.

20

Case # 19-1200

Aryeh Friedman
616 Duval Street
Sec. 106-51 Prohibited
Officer Paul Navarro
Certified Mail: 10-11-2019
Initial Hearing: 10-30-2019

In compliance 23 October 2019; Request dismissal

Count 1: Failure to remove T-shirt displays and clothing racks to the interior of the entranceway.

In compliance on 23 October 2019 and requesting dismissal. Special Magistrate granted the dismissal.

21

Case # 19-463

G. B & B-B Registries, LLC
210 Simonton Street Lot
Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions
Sec. 14-40 Permits in historic districts
Sec. 14-262 Request for inspection
Officer Dorian Patton
Certified Mail: 8-9-2019
Initial Hearing: 9-25-2019

Continued from 25 Sept 2019

Count 1: Failure to obtain building permits for all signs placed, security cameras installed, and electric wiring running to a shed with lights running throughout the property. **Count 2:** Failure to obtain HARC certificate of appropriateness for all signs placed, security cameras installed, and

electric wiring running to a shed with lights running throughout the property. **Count 3:** Failure to receive inspections for electrical work done on the property.

This case was in compliance on 30 October 2019. The Special Magistrate granted the request for dismissal.

22

Case # 19-556

Christopher Gazzale
Douglas C Hart
1818 Venetia Street
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Sec. 14-327 Inspection
Officer Dorian Patton
Certified Mail: 8-15-2019 - Douglas C Hart
Initial Hearing: 9-25-2019

Continued from 25 Sept 2019 for compliance

Count 1: Failure to obtain a building permit for A/C work performed.
Count 2: Failure to obtain a final inspection for the A/C work performed.

This case was in compliance on 30 October 2019. The Special Magistrate granted dismissal.

23

Case # 19-862

Key West Sign Company LLC
901 Fleming Street LLC
901 Fleming Street
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Officer Dorian Patton
Hand Served: 8-13-2019 - Key West Sign Company LLC
Certified Mail: 8-22-2019 - 901 Fleming Street LLC
Initial Hearing: 9-25-2019

Continuance granted to 20 Nov 2019

Count 1: Failure to obtain a building permit for a structure built.

Continuance granted to 20 November 2019.

24

Case # 19-956

The Green Pineapple Key West, LLC
Jennifer Hulse - RA
1130 Duval Street
Sec. 106-51 Prohibited
Officer Dorian Patton
Certified Mail: 09-11-2019
Initial Hearing: 10-30-2019

New Case

Count 1: Failure to renew outdoor display application for exterior display including bistro table and chairs.

No Respondent. Officer Patton made a testimony. A request for continuance until 30 January 2020 due to things going to the planning board for review. The Special Magistrate granted the continuance to 30 January 2020.

25

Case # 19-1196

Key West Strip, Inc.
Noam Zano
507 Duval Street
Sec. 106-51 Prohibited
Officer Dorian Patton
Certified Mail: 10-02-2019
Initial Hearing: 10-30-2019

In compliance 03 October 2019; Request dismissal

Count 1: Failure to remove T-shirt displays and clothing racks to the interior of the entranceway.

This case is in compliance on 3 October 2019 and this case was granted for dismissal. The Special Magistrate granted the dismissal

26

Case # 18-241

James Dick - **New Owner**
~~Theresa Didato-Cioffi - **Removed**~~
~~Wilmington Trush Company - **Removed**~~
3222 Riviera Drive
Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions
Sec. 122-238 Dimensional requirements
Sec. 26-32 ~~Nuisance illustrated - **Dismissed**~~
Sec. 26-126 ~~Clearing of property of debris and noxious material required -~~

- Dismissed

Director Jim Young

Certified Service: 6-15-2018 - Registered Agent

Certified Service: 7-17-2018 - Theresa Cioffi - Amended Notice

Initial Hearing: 5-30-2018

Continued from 28 August 2019

Count 1: Observed the roof built in the setbacks and a detached dwelling that the city does not recognize which did not have the required permits and inspections. **Count 2:** The roof is located in the rear side of the subject property in the setbacks. **Count 3:** ~~Observed the pool with stagnant water that is a breeding ground or feeding area for mosquitoes.~~ - **Dismissed.** **Count 4:** ~~Debris located on the driveway of this property which causes a nuisance or other unsightly or unsanitary condition.~~ - **Dismissed.**

Wayne Larue Smith was the respondent. Ron Ramsingh gave a testimony for Officer Jim Young. Case is still going through the planning process to get the pool house permitted. Also waiting to get a variance. The Special Magistrate granted continuance until 20 Nov 2019.

HARC Appeals

27

SMA 19-02

KHP IV Key West LLC

Barton W. Smith, Esq.

601 Caroline Street

H2019 - 20

Continued from 28 August 2019

Bart Smith was the respondent. Ron Ramsingh was the representative for the City of Key West. The Special Magistrate was given lots of documents by Bart Smith. There was discussion between Bart Smith and Ron Ramsingh in regards to the permits that this property has. Bart Smith went on to state that this property has been previous painted white and that the current owners want to paint it white again. The HARC Board wants to keep it how it is and not paint it white. Ron Ramsingh stated that the lack of paint on the house is a representation of historical significance. The Special Magistrate stated that with all the evidence that he was given and documents that he read, that he rules in the favor of the HARC Board due to the historical significance. He denied the appeal.

Adjournment